

1 **STIP**
2 **GABRIEL L. GRASSO, ESQ.**
3 **Nevada Bar Number 7358**
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9 **Attorney for Defendant DOBKOWSKI**

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,)**

13 **Plaintiff,)**

14 **vs.)**

15 **ALLAN DOBKOWSKI,)**

16 **Defendant.)**

Case No.: 2:13-cr-00070-GMN-PAL

**STIPULATION TO CONTINUE
SENTENCING**

(SECOND REQUEST)

17 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

18 IT IS HEREBY STIPULATED AND AGREED, by and between the defendant,
19 ALLAN DOBKOWSKI through his attorney of record GABRIEL L. GRASSO, ESQ., and
20 the United States of America, through ANDREW DUNCAN, ESQ., Assistant United
21 States Attorney, that the sentencing hearing currently scheduled for August 25, 2017, at
22 9:00 a.m., be vacated and continued to a date and time convenient to this court, but no
23 event earlier than thirty (30) days.

24 This Stipulation is entered into pursuant to General Order 2007-04 and based
25 upon the following:

- 26
- 27 1. DOBKOWSKI is currently set for sentencing on Friday, August 25, 2017.
 - 28 2. Since the previous continuance, DOBKOWSKI'S heart condition has
worsened and will require extensive medical testing. The defense has

provided a letter from DOBKOWSKI'S doctor to the Government confirming the current situation.

3. DOBKOWSKI is out of custody and does not object to this continuance.
4. Denial of this request for continuance would deny the defendant sufficient time to be able to assist in his sentencing, taking into account the exercise of due diligence.
5. This is the second request for a continuance of the sentencing date in this case.

DATED this 21st day of August, 2017.

RESPECTFULLY SUBMITTED BY:

/s/ Andrew Duncan
ANDREW DUNCAN
Assistant United States Attorney

/s/ Gabriel L. Grasso
GABRIEL L. GRASSO
Attorney for DOBKOWSKI

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Case No.: 2:13-cr-00070-GMN-PAL

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

(SECOND REQUEST)

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16 **FINDINGS OF FACT**

17 Based upon the submitted Stipulation, and good cause appearing therefore, the
18 Court finds that:

- 19 1. The defendant will require a reset of the sentencing date to undergo
20 medical testing of a heart condition.
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22 2. This stipulation complies with General Order 2007-04.

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24 **CONCLUSIONS OF LAW**

- 25 1. Denial of this request for continuance would deny DOBKOWSKI assistance
26 of counsel at his sentencing in this case.
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28

- 1 2. Additionally, denial of this request for continuance would result in a
2 miscarriage of justice.
- 3 3. For all of the above stated reasons, the ends of justice would best be served
4 by a continuance of the sentencing hearing date.
- 5 4. The additional time requested by the stipulation, is excludable in computing
6 the time within which the trial herein must commence pursuant to the Speedy
7 Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C.
8 § 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
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10 **ORDER**

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12 **IT IS ORDERED** that the sentencing hearing currently scheduled for August 25,
13 2017, at 9:00 a.m., be vacated and continued to September 28, 2017 at 10:00 a.m. in
14 Courtroom 7C.

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17 DATED this 24th day of August, 2017.

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UNITED STATES DISTRICT JUDGE
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